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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,285	06/06/2001	Takayuki Nagashima	'35.C11515 Div.	6926

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EXAMINER
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LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,285

Applicant(s)

NAGASHIMA ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 80-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/6/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 80, 87-88, 91, 94, 97-98 and 103-104, are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent 5,802,502 to Gell.

Regarding claim 80, Gell discloses in figure 13, an image transmission apparatus in an image transmission system, said apparatus comprising:

a reception unit 905, adapted to receive an image transmission request and an image quality request (column 12, line 61-column 13, line 5);

a memory, adapted to store a charge table of fees corresponding to image qualities (column 12, lines 36-39, 53-60);

a processing unit, adapted to process an image designated by the image transmission request in accordance with the image quality request (column 13, lines 5-17), the processing unit then selects the appropriate device which will stream the images to a user); and

a charging unit, adapted to determine a charge based on the image quality request and the charge table (column 13, lines 3-11).

Regarding claim 87, Gell discloses that the image quality request designates a quality of the image to be transmitted (column 13, lines 3-15).

Regarding claim 88, Gell discloses an image transmission method in an image transmission system, said method comprising the steps of:

receiving an image transmission request and an image quality request (column 12, line 61-column 13, line 5);

processing an image designated by the image transmission request in accordance with the image quality request (column 13, lines 5-17); and

determining a charge based on the image quality request and a predetermined charge table (column 13, lines 3-11).

Regarding claim 91, Gell discloses a computer-readable storage medium storing a program for implementing an image transmission method in an image transmission system, the program comprising:

code for a reception step of receiving an image transmission request and an image quality request (column 12, line 61-column 13, line 5);

code for a processing step of processing an image designated by the image transmission request in accordance with the image quality request (column 13, lines 5-17); and

code for a determination step of determining a charge based on the image quality request and a predetermined charge table (column 13, lines 3-11).

Regarding claim 94, Gell discloses a computer program for implementing an image transmission method in an image transmission system, said program comprising:

code for a reception step of receiving an image transmission request and an image quality request (column 12, line 61-column 13, line 5);

code for a processing step of processing an image designated by the image transmission request in accordance with the image quality request (column 13, lines 5-17); and

code for a determination step of determining a charge based on the image quality request and a predetermined charge table (column 13, lines 3-11).

Regarding claim 97, Gell discloses in figure 13, an image transmission unit comprising:

a communication interface adapted to communicate with a user terminal via a transmission path and to receive an image transmission request and an image quality request from a user (column 12, line 61-column 13, line 5);

an image quality control unit adapted to process accordance with the image quality image data of an image in request to generate processed image data with the requested image quality (column 13, lines 5-17);

a charge database adapted to store a charge table of charges for corresponding image qualities (column 13, lines 3-11); and

a charge unit adapted to calculate a charge based on the image quality request and a charge from the charge table corresponding to the image quality request (column 13, lines 3-11).

Regarding claim 98, Gell discloses that the image quality is a resolution of an image (column 12, lines 12-60).

Regarding claim 103, Gell discloses that the image data is transmitted to the user via a device connected to network 903 (column 13, lines 16-19).

Regarding claim 104, Gell discloses that user equipment 900 includes a television and a receiving signaling unit 910 suitable for receiving video on demand (column 12, lines 42-48).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 81-86, 90, 93, 96 and 101-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,802,502 to Gell.

Regarding claim 81, Gell discloses that the pricing stations supply the database station 905 with pricing data for the VOD services, which include quality data such as resolution, wide/narrow screen format, stereo/mono sound (column 12, lines 53-column 13, line 5).

Gell does not disclose if the charge table provides a rate per unit time for each image quality, but in a related embodiment, Gell does disclose that pricing for transmission may be determined as a rate per unit time and for quality of the transmission (column 5, line 38-46, 56-column 6, line 20), thus enabling selection criteria in order to determine an appropriate tradeoff of quality versus cost.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the quality selection of Gell to include different rates for different quality levels, as taught in a related embodiment in Gell, thus enabling selection criteria in order to determine an appropriate tradeoff of quality versus cost.

Regarding claim 82, Gell discloses that charges may be determined by per minute, per packet or per bit of transmission (column 5, lines 38-40).

Regarding claims 83, 90, 93, and 96, Gell discloses that the pricing stations supply the database station 905 with pricing data for the VOD services, which include quality data such as resolution, wide/narrow screen format, stereo/mono sound (column 12, lines 53-column 13, line 5).

Gell does not disclose the use of a measurement unit adapted to measure a transmission time of a requested image. However, in a related embodiment, Gell discloses that transmission of data may be billed by a per minute, per packet, or per bit basis, this data is then logged and stored in order to bill the user (column 5, lines 37-40, column 6, lines 26-36), thus billing a user to transfers more data more than a user who transfers less data.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gell to utilize a measurement unit to log and bill a user as taught in a related embodiment of Gell, thus billing a user to transfers more data more than a user who transfers less data.

Regarding claims 84-85, Gell discloses that the pricing stations supply the database station 905 with pricing data for the VOD services, which include quality data such as resolution, wide/narrow screen format, stereo/mono sound (column 12, lines 53-column 13, line 5).



Gell does not disclose the use of a storage unit to store an amount of charge for each user who transmits an image transmission request. However, in a related embodiment, Gell discloses that transmission of data may be billed by a per minute, per packet, or per bit basis, this data is then logged and stored in order to bill the user (column 5, lines 37-40, column 6, lines 26-36, the predetermined time period is the per minute charge), thus billing a user to transfers more data more than a user who transfers less data.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gell to utilize a measurement unit to log and bill a user as taught in a related embodiment of Gell, thus billing a user to transfers more data more than a user who transfers less data.

Regarding claim 86, Gell discloses that the image quality is a resolution of an image (column 12, lines 12-60).

Regarding claim 101-102, Gell discloses that the pricing stations supply the database station 905 with pricing data for the VOD services, which include quality data such as resolution, wide/narrow screen format, stereo/mono sound (column 12, lines 53-column 13, line 5).

Gell does not disclose the use of a storage unit to store an amount of charge for each user who transmits an image transmission request. However, in a related embodiment, Gell discloses that transmission of data may be billed by a per minute, per

packet, or per bit basis, this data is then logged and stored in order to bill the user (column 5, lines 37-40, column 6, lines 26-36, a user may then be billed by how long it takes to transmit data or how many bytes of image data is transmitted), thus billing a user to transfers more data more than a user who transfers less data.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gell to utilize a measurement unit to log and bill a user as taught in a related embodiment of Gell, thus billing a user to transfers more data more than a user who transfers less data.

3. Claims 89, 92, 95, 99 and 100, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,802,502 to Gell in view of U.S. Patent 5,742,892 to Chaddha.

Regarding claims 89, 92, and 95, Gell discloses that different image qualities may be transmitted based on an image quality request (column 12, lines 53-column 13, line 5).

Gell does not disclose performing digital processing on the image based on the image quality request.

Chaddha discloses a media server with which, a user may arrange to pay for a video service and its corresponding bandwidth, the user can specify the cost they are willing to pay and an appropriately scaled stream will be provided by the server (column 12, line 57-column 13, lines 13, processing is performed by storing and transmitting different enhancement layers for the video, column 7, lines 25-60), thus providing a user

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with video quality which is optimized for their available bandwidth at a price a user is willing to pay.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gell, to utilize the image quality processing in response to a user request, as taught by Chaddha, thus providing a user with video quality which is optimized for their available bandwidth at a price a user is willing to pay.

Regarding claims 99 and 100, Gell discloses that different image qualities (resolution, aspect ratio, stereo/mono sound track, column 12, lines 43-60) may be transmitted based on an image quality request (column 12, lines 53-column 13, line 5).

Gell does not disclose the quality including saturation or hue.

Chaddha discloses a media server with which, a user may arrange to pay for a video service and with corresponding bandwidth, the user can specify the cost they are willing to pay and an appropriately scaled stream will be provided by the server (column 12, line 57-column 13, lines 13, processing is performed by storing and transmitting different enhancement layers for the video, column 7, lines 25-60, different spatial resolutions, frame rates, color conversions and bit rates may be transmitted, column 9, lines 14-25, 55-column 10, line 42 column 12, lines 20-30), thus providing a user with video quality which is optimized for their available bandwidth at a price a user is willing to pay.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gell, to utilize the image quality processing in response to a user

request, as taught by Chaddha, thus providing a user with video quality which is optimized for their available bandwidth at a price a user is willing to pay.

The combination of Gell and Chaddha fails to disclose the use of hue and saturation quality settings.

The examiner takes official notice that setting hue and saturation settings when encoding an image is notoriously well known in the art. A user may customize hue and saturation settings in order to adjust colour contrast in an aesthetically pleasing manner.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gell and Chaddha to change hue and saturation settings, thus enabling a user to adjust colour contrast in an aesthetically pleasing manner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



**HAITRAN**  
**PRIMARY EXAMINER**